

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
JOHN E. HOLMES,)
Defendant.)
4:20-CR-0287-01-DGK

**ORDER ADOPTING REPORT AND RECOMMENDATION CONCERNING
DEFENDANT'S COMPETENCY**

On June 12, 2023, the Court ordered Defendant to undergo a competency evaluation. Defendant was examined at the Federal Medical Center in Fort Worth, Texas. On August 9, 2023, Lacie L. Biber, Psy.D., Licensed Psychologist, filed a psychological evaluation (ECF No. 55) with the Court opining Defendant is competent to proceed.

On August 18, 2023, Magistrate Judge Lajuana M. Counts held a competency hearing and issued a report and recommendation (ECF No. 58) finding Defendant is competent to proceed. Neither party objected to the report and recommendation.

After making an independent review of the record, it is

ORDERED that the Report and Recommendation of Magistrate Judge Lajuana M. Counts is adopted in its entirety, and this court finds Defendant is competent. It is further ORDERED that, pursuant to 18 U.S.C. §§ 3161(h)(1)(A) and (h)(4), the time between June 12, 2023, and the date of this order is excluded in computing the time within which the trial of this criminal action must commence.

IT IS SO ORDERED.

Date: September 5, 2023

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT